

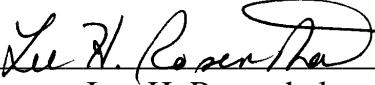
**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GERALDINE NICHOLAS,	§
Individually and as Administratrix	§
of the Estate of James Nicholas,	§
	§
Plaintiff,	§
	§
VS.	§ CIVIL ACTION NO. H-07-0657
	§
M.W. KELLOGG COMPANY, <i>et al.</i> ,	§
	§
Defendants.	§

ORDER

This case was reinstated to the active docket on July 15, 2009. At that time, the defendants' motion for summary judgment, which was filed a few days before the plaintiff appealed, was still pending. The plaintiff had filed a response. The defendants have now filed a reply to the response. Given the passage of time, the plaintiff may file a surreply, but no later than August 28, 2009.

SIGNED on August 12, 2009, at Houston, Texas.



Lee H. Rosenthal
United States District Judge